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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/909,669  | 07/20/2001  | James Anthony Smith  | 1423.001US1         | 1522             |
| 7590  | 12/13/2005  |                      | EXAMINER            |                  |
| Schwegman, Lundberg, Woessner & Kluth, P.A.<br>P.O. Box 2938<br>Minneapolis, MN 55402 |             |                      | DERWICH, KRISTIN M  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2132                |                  |

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/909,669             | SMITH ET AL.        |  |

  

|                 |                 |  |
|-----------------|-----------------|--|
| <b>Examiner</b> | <b>Art Unit</b> |  |
| Kristin Derwich | 2132            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 July 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-45 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

1. Claims 1-45 are pending.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “104” has been used to designate both Local Access Trunk and IXC #1 Access Tandem. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claims 1 and 2 objected to because of the following informalities: Claims 1 and 2 each seem to contain personal notes to the attorney denoted by asterisks at the end of each claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Hereafter patent literature that is referenced as prior art will be cited by column and line number in the form of (column number:line number range). For example, the citation (6:23-27) refers to lines 23-27 of the 6<sup>th</sup> column in the reference.

3. Claims 1, 4-16, 19-31 and 34-45 rejected under 35 U.S.C. 102(e) as being anticipated by Poisson et al. (Poisson), U.S. Patent No. 6,701,358.

As per claims 1, 16 and 31:

Poisson discloses a method comprising:

receiving a dial-in user connection in a VSPOP (4:4-15 wherein the extranet switch is the VSPOP and a user must dial in to use an ISP);  
authenticating the user connection via the VSPOP (3:16-23; 3:28-38); and  
providing an encrypted connection from the received dial-in connection in the VSPOP to the enterprise system over a public network (3:28-38, 3:45-4:3).

As per claims 4-15, 19-30 and 34-45:

Poisson discloses a method comprising:

The public networks is the internet (1:24-27);

The VSPOP is operable to provide a connection to multiple enterprise systems (fig. 1, items 114, 112 and 108; 1:47-51);

Tracking the dial-in user connection and storing resulting tracking data in a log where the tracking data is used for accounting, wherein facilitating the connection is authorized via user authentication provided by the enterprise system via the VSPOP and the service consists of RADIUS (5:55-6:32);

The encrypted connection from the VSPOP to the enterprise system comprises either IPsec, L2F or PPTP (3:28-38).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 17 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Poisson et al., hereinafter Poisson, (U.S. 6,701,358) as applied to claims 1, 15 and 31 above and further in view of Bauer, U.S. Patent No. 6,061,450.

As per claims 2, 17 and 32:

Poisson fails to disclose the dial-in user connection a dial-in connection via a local exchange bypass trunk. However, a bypass was well known in the art at the time of applicant's invention as exemplified by Bauer. Bauer discloses an alternate telephone system which bypasses the local exchange carrier (1:65-2:7) and converts the telephone calls into Ethernet

packets and transmits them via a modem (2:44-3:37). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the alternate telephony system with the invention of Poisson because it would reduce the amount of money it would cost the user to dial-in to the ISP (Bauer, 1:51-58).

5. Claims 3, 18 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Poisson et al., hereinafter Poisson, (U.S. 6,701,358) as applied to claims 1, 15 and 31 above and further in view of Ruether et al. hereinafter Ruether, U.S. Patent No. 6,052,412.

As per claims 3, 18 and 33:

Poisson fails to teach the dial-in user connection comprising a toll-free dial-in connection. However, toll-free dial in connections were well known in the art at the time of applicant's invention exemplified by Ruether. Ruether discloses a codec with a built in toll-free number built into it (8:60-67). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the codec invention of Ruether with the VPN invention of Poission because this would allow the communications from remote offices to occur over a PCM modem via a DLC having an analog interface to the office (4:41-58).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich  
Examiner  
Art Unit 2132

KMD

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100